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REPORT OF THE
LIBERHAN
AYODHYA
COMMISSION
OF INQUIRY

CHAPTER 5

THE ADMINISTRATION

50. THE ADMINISTRATION

- 50.1. Life in civilized society requires all citizens and leaders to observe the laws, the constitutional provisions and to abide by them, even though they may not individually or in groups agree with them. The political executive, legislatures, leaders, philosophers, Sants as well as the enforcers of laws in uniform or otherwise has not only to abide by the law but to ensure that others bound by it respect the rule of law. They are bound to enforce laws and constitution or its spirit irrespective of political party, thought or manifestoes or their personal views. Executive is the constitutional pillar and the backbone of civilized society, responsible not only for the smooth running of a democracy but also for protecting the society or the constitutional and legal rights of the people. The executive is expected to protect the citizens' rights even against intrusions from the political executive, who may be guided by their thoughts and philosophies or prejudices. The constitutionally guaranteed fundamental rights, even of the single individual have to be protected and enforced against the whole world with all the strength and the resources commanded by the sovereign state.
- 50.2. There is no golden rule for good administration. Good management depends upon the administration being able to react and adapt to situations as they happen, and dealing not just with the problems, but also with the context in which they happen. There can be no hard and fast rule or a rule of thumb for administration.

- 50.3. The principle of rule by the government, and for the majority is subject to fundamental rights conferred and protected by Constitution. It is perfectly reasonable for a common man to assume that even if one person demands his constitutional rights, even though the majority might wish to deny it to him, the government is expected to grant him that right.
- 50.4. Secularism has to be understood from the perspective of a common man, even if a majority of them are uneducated and illiterate; and not from restrained or restricted point of view of a few educated and well read persons or philosophers or political persons.
- 50.5. The purpose of a state administration or the executive cannot possibly be to give form to the promises made by the polity during elections. The civil service was envisaged as a balanced entity, providing continuity and perpetuity of governance. The civil servants were surely not expected to dabble in politics on their own account or to ally with the one or the other political party and enforce their agenda in public life.
- 50.6. The inquiry demands an insightful analysis of the situation by weeding out the communal, institutional or other bias from the statements of the witnesses and by precluding the possibility of hindsight bias i.e. remembering the facts consistent with the desired conclusion. For the sake of practicality and brevity, there is no need to reproduce the statements of all the witnesses, especially since they are attached in their entirety as annexures to this report.
- 50.7. The administrative power to execute or enforce laws starts and ends with the laws, yet the doctrine of necessity operates to achieve the ultimate end to

sustain constitutional peace and tranquillity. It is an open secret despite the vehement denial by some of the leaders, that the political party leading the movement succeeded during in the elections in securing majority in UP and some other states and quite a large number of seats in the Parliament by making this issue its election manifesto.

51. The political climate at the time

- 51.1. The BJP claiming to be the political party governing the state of Uttar Pradesh since June 1991. The political executive consisted of none other than the members of the BJP, which is a national party. Members of BJP may or may not have been members of other organizations i.e. VHP, RSS etc. but they were bound by the thoughts, philosophies and discipline of the party *para materia* rather same as of that of RSS. As already established elsewhere in this report, they firmly supported the construction of temple at Ayodhya.
- 51.2. There cannot be a wooden or a fixed administrative formula. There cannot be any litmus test for the same. Administration, whether by the bureaucracy or by a political executive or police etc has to be tested on reasonableness, social importance, need of time, situation at the spot or all around, its consequences to follow. Administration is imperfect as all human things are. It has to alleviate all fears. It has to be transparent. It needs to be conducted according to known coherent system with the object to maintain peace, protect religious faiths, law and order, uphold constitutional rights and values, etc.
- 51.3. There is no golden rule of administration. Management, be it of mischief, or security, or enforcement of right or law, solution to dispute, planes etc is required to be made according to facts and circumstances of the situation founded on ground realities. There cannot be rule of thumb. The authorities responsible for it have to figuratively weight and balance.

- 51.4. In order to determine what, who and why was running the administration on the spot on sixth of December 1992, nothing said by any witness was taken to be granted. Learning of past is quite essential as without the knowledge of the past the present administration cannot be understood. There is no gainsaying that administration was handling extraordinary situation which assumed not only national but international significance.
- 51.5. The campaign for construction of temple was hyped and built at a grand scale not only by the political parties who became the backbone of the movement but also Sants, Sadhus and recluse, so claimed social or religious organization, who got involved, imposing themselves as the only mouth piece of particular section of society or Hindu society.
- 51.6. The administrations as well as the organizers were well aware of the ground realities and the state participation in the movement. It was affirmed by Supreme Court. In these peculiar circumstances when the state's political executive had a manifesto of construction of temple, it was difficult for administration or the executive or the bureaucracy whether to put restraint on insolence, or contain insubordination of the intensive rebellious marching Karsevaks, having the support of government/political executive. The government or its leaders were of the firm view that Mandir should be constructed at the disputed structure. BJP proclaimed that it must redeem its promises made during the election. The various reasons, factors and circumstances for arriving at the finding that the government was an accessory before and after the event have been dealt with extensively in other parts of this report and need not be repeated here.

- 51.7. The Government's participation had put the officers in a quandary who could not oppose the express wishes of the government, and who knew that following those orders was not strictly correct. It is too obvious that administration could not and did not put any restraints on the Karsevaks or on the Karseva, nor regulated it, out of fear of reprisals from the government.
- 51.8. In the ordinary course of events it cannot be accepted that administration could have been effective or that the officers with all their usual human failings, could have put a stop to the events, particularly when the government itself was mobilizing the Karsevaks. After a meeting of legislators chaired by the Chief Minister on 26th November 1992, the media reported that each legislator was asked to mobilize 10 people from each gram Panchayat. This fact was never contradicted before the question and no cross-examination was directed to challenge this, thus establishing the accuracy of this directive.

52. The complicity of the administration

52.1. It is a great enigma and defies comprehension, that when the government itself was not only participating in the movement but also leading it as well as supporting the icons and torch bearers of their party, how could they govern and deal with the situation objectively. They were supporting the national and the state political party viz the BJP and the organizers of the movement like the VHP. It cannot be suggested at all that given the context and the overall circumstances, combined with the extensive ground reports available to the administration, that the bureaucrats had not taken any stand to protect the disputed structure or prevent the ultimate events at the disputed site, or had taken any effective steps to provide any leadership to the lower level officials or protection to the citizens. No preventive steps were taken to forestall the demolition of the disputed structure nor to prevent or stop the vandalism or the spread of communal hatred and frenzy against the minority community.

52.2. It was normal expectation from administration, executive and the legislators that they are sometimes required to perform incompatible functions in order to maintain peace. It is not unknown that in this process they have to make some tradeoffs. It generates complex codes which may have innumerable principles, yet reflect on the institution's morale, political pressures operating and compromises the administration has to make.

- 52.3. It can be observed that there was a complete want of honest approach while providing security to the disputed structure. The administration not only collaborated in fleshing out the skeleton by the State Government and putting it in its manifesto but also connived and abetted in the demolition of the structure and the aftermath, to achieve the political object of political party in power of the object of its election manifesto.
- 52.4. It would not be out of place to recall yet again that the BJP formed the government led by Kalyan Singh as the Chief Minister in Uttar Pradesh in June 1991. Prior to 6th of December 1992, the Chief Minister changed the local officers of the administration holding the key posts including the Commissioner, Inspector General of police, director-general of police, district magistrate, Superintendent of police, Deputy Inspector General of police, and other officers by liberally exercising the power of transfers. Parkash Singh, the Director General of Police categorically stated that officer like DV Mehta DIG, and him, being inconvenient persons, were transferred out, while people with Sangh Parivar affiliations or political ambitions, like DB Roy, AK Saran etc, and were posted at Ayodhya despite his objections. He stated that DB Roy used to hobnob with the local political leaders at Ayodhya. Other pliable officers with particular affiliations or having a political agenda, or did not even have any experience of situations like the one in hand, were transferred to sensitive offices or post. It was well known and an open secret that AK Saran, the IG of Lucknow Zone dealing with the Ayodhya issue was close to the BJP leadership and was pliable even to the local leadership. His conduct and partiality, particularly on the fateful day

make his ties with the BJP, even though he was in uniform, unacceptable. So is true of DB Roy who was even more strongly devoted to the BJP and the Hindu Maha Sabha which was anti-Muslim.

52.5. The Commissioner of Faizabad, himself categorically admitted that he did not know about policing. It is astonishing that an officer who is legally required to supervise not only professionally but also to supervise an entire institution or an organization does not have the basic knowledge of the subject. The people who mattered in the administration, either knowingly or otherwise, having or had strong views on Hinduism and about the partition of the country and were put on key post especially. They also had the political ambitions as revealed by the later events that is when he contested election on BJP ticket. Akhilesh Mehrotra SP of Ayodhya did not hesitate to coin and put forward incredible, blatantly unbelievable stories like, that there was a firing from the house of Muslim on the 6th of December. I can observe here that he evaded all inconvenient questions about undisputed facts during the course of examination.

52.6. DB Roy patently described the crowd to be present at the disputed structure in July as well as on the crucial day; the frenzy, emotionally surcharge of the religious fanatics as peaceful. This was not only a blatant lie but a deliberate attempt to mislead with the intention to further the political agenda of the BJP. AK Saran, the senior-most police officer not only deliberately visited Ayodhya just once despite the gravity of the situation and the judicial restraint on any demolition or construction at the site. He neither responded nor reacted on the 6th of December 1992, not even when the provocative and

emotionally charged slogans were being raised and speeches made at Ram Katha Kunj with a view to create an ambience of hatred towards a particular community. He did not give any orders nor took any steps to stop the vandalism and the demolition. He did not even reach the Ram Katha Kunj where the only available public address system had been installed. He never approached the leadership with a request to take any steps nor suggested any means to end the destruction. He failed to prepare any plan for the security beforehand or even to acquaint himself with the past happenings at the disputed site or to consider the implications. These lapses are inexcusable for an officer of this rank. He did refer to one solitary traffic plan which he said had been operationalised on the 6th of December but failed to produce it before me despite numerous opportunities given for that reason. His intermixing with the local leadership of the temple movement is clear. However he neglected to create any sources of intelligence amongst the Sadhus or Sants or the karsevaks. I cannot refrain from observing specifically that the officers like AK Saran, DB Roy, SP Gaur, RN Srivastava etc. were in fact not merely officers of the government as they posed, but really the representatives of the political party in power and of the organizers of the movement and the political executive and charged with the task of promoting and achieving the promises made by the RSS, VHP, Bajrang Dal etc. for creating a Hindu Rashtra.

52.7. Kalyan Singh made a sweeping statement that the transfers were made in the course of administration. It does not appear to be so in case of transfers of the complete administration particularly connected with Ayodhya

administration or district Faizabad. Merely stating that officers were put on the posts they deserved cannot be accepted, especially in view of the statement of the DGP before the commission. Equally telling is the Commissioner's admission that in 1990, the police and administration were hostile to the Karsevaks and vice a versa, while in 1992, the police and administration were neutral and rather friendly particularly when the organizers or their party were partners in the government. The State Government tacitly used to affirm the claim of the protagonists of the temple movement that the government of the state of UP of the time was of them, by them and for them further, though other subordinates accepted and asserted that that the instructions issued orally or otherwise were compiled and kept in the form of notings in their official record. No such record was produced before me. I find truth in it as in the ordinary course of the process of governance, it is an accepted norm.

- 52.8. The Chief Minister had assumed all the powers to transfer in or out officers etc, in his own hands. In addition, he also took direct control of all issues or matters connected directly or otherwise with Ayodhya. All powers converged in these single hands. He made full use of this unregulated power. He neither had any such delegated authority nor in fact or in law or otherwise was it so delegated to him. The local administration was given instructions from time to time to comply with the decisions taken at the highest level. DGP police, A.K. Saran IG, UC Vajpayee DIG as well as by the commissioner of Faizabad admitted, that oral directions used to be given to the local

administration from time to time without any record being maintained of the instructions or orders given.

- 52.9. It would be expedient to note the facts or the inferences emerged on prognosis of the statements in the context of the administration on the spot on sixth of December 1992. It would be unnecessary to reproduce their statements as the same are set out in full with the report. In September 1992 UP government declared, as long as the land is in the custody of State Government, no construction would be it done over it. Rakesh Sinha stated *“Entries were being regulated by the Karsevaks and not by the police”*. He stated that there was no arrangement by the government for maintaining law and order outside the Ram Dewar as well as inside Garb Grah much less in Ayodhya or Faizabad. Even those forces present were told not to use force towards the Karsevaks or the other organizers. The reputation of the PAC was prejudiced with respect to the temple construction movement. There were no hurdles in the way of the Karsevaks or others’ passage to Ayodhya or the Ram Janambhoomi Babri Masjid complex at Ayodhya or the disputed structure, at any place or point between Faizabad and Ayodhya. He claimed to be close to Vinay Katiyar and Laloo Singh MLA. Raman Kirpal stated that the, “RSS along with the police was manning the security.” DD Gupta stated, “The administration and management of the Karsevaks was being run by the callers of Karsevaks.” “Contingency plan was only discussed on fifth of December 1992 - only point was deployment of force.” “no crowd control management was discussed” Swami Shakshi Ji Maharaj who claimed to be related to the Chief Minister, though this relationship was denied by the

Chief Minister, said, “arrangements were made by VHP, RSS for the security of the disputed structure and to ensure that the people do not go towards their side - Swayam Sevaks of RSS in half pants were deployed on the side way from where crowd was likely to come, in order to stop them though they were in addition to state and central forces. No constabulary was seen there and there were specific instructions not to use the force. “The RSS volunteers handled security arrangements and the entry and exit were regulated by them. RSS volunteers were controlling the situation and making its arrangements for food. They were looking after discipline in the camps and it was a voluntary discipline. Meeting used to be held in Janaki Mahal Trust in the evening and the decision used to be announced at Karseva Puram through public address system which was undisputedly with the organizers of Karseva - no other system was installed by administration”. It was asserted by Abdullah Nasir in newspapers³⁰¹ that police was posted at Ram Sahi bridge to stop the peace march, which was carried out in practice at the spot. Whereas the workers of the Bajrang Dal were at the Lohia Bridge and allowed to do the same there. Since there was neither any contradiction, nor a challenge to the fact in cross-examination, it would be reasonable to accept the fact be true. NC Pandhi stated, *“on 6th December 1992 local administration has deployed RSS volunteer without making them special police officers - there is nothing known whether security of the structure was discussed between the State Government & Sangh Parivar - on 5th December 1992, 500 Karsevaks took part in rehearsal. The rehearsal was entirely by the organization that is VHP.*

³⁰¹ See CW 20/10

Administration or the police did not participate in rehearsal. Administration was not even aware of any announcement made about rehearsal. Peeyush Srivastava admitted that, "There were no restriction regarding the pitching of tents etc for them and their arrangement for staying by administration". The then DGP Parkash Singh stated the SSP and IG were mixing up with the local politicians of BJP and Bajrang Dal, that is, Vinay Katiyar and others. Barriers were removed under the orders of Chief Minister under the pressure of Vinay Katiyar, Ashok Singhal, and Braham Dutt Dwivedi etc. Vinay Katiyar of Bajrang Dal etc asked for the removal of barricades and barriers by 15th of November 1991 and when the same was refused, the DIG was transferred. Mark Tully said that, "security arrangements were totally inadequate. Police made no effort to prevent people from coming into open front of Babri Masjid - it was only the various Hindu organizations people who were preventing unauthorized entry - it was obvious that anybody coming into the area will be in a position to go to the disputed structure itself - there was no attempt by police to restore law and order. Police arrangements collapsed and they marched to the right hand side of the mosque. In the whole town there was no effort on the part of the police to establish authority."

- 52.10. Commissioner Faizabad admitted that, "Volunteers of organizers were assisting the administration in managing crowd and other arrangements." He admitted that crowd control is usually a part of security arrangements." Acharya Dharminder Dev admitted that the police was neutral, which could also be seen in the video cassettes. He refused to produce the video record by contending that he was not able to locate. Prabhat Kumar accepted that RSS

workers were standing and carrying out the administration or were organising the crowd etc in Ayodhya or in the Ram Janam Babri Masjid complex at Ayodhya. The building of infrastructure and the erection of wooden barricades around the disputed structure was carried out by the RSS through its Swayam Sevaks. RSS was manning the security on sixth December 1992. They gave resistance to the unwelcomed or the one's not permitted to go to Puja Sthal or the intruders. Intruders attempting to reach the Puja Sthal were resisted by RSS Swayam Sevaks. Later RSS Swayam Sevaks physically overpowered and removed the intruders from the spot. Police was silent and remained a mute spectator. RSS Swayam Sevaks were deployed as organizers especially at disputed structure and all around in the country for the movement. Reference may also be made to the statement of Mark Tully, AK Saran, Prabhat Kumar, Rakesh Sinha and DW 15/19 etc.

52.11. State sanctioned 21 Lakh for food and other arrangements for Karsevaks.

53. The prohibition on use of firearms

- 53.1. Chief Minister on his assuming the office administratively took all latent and patent measures or steps, orally or otherwise, to ensure that no force of any nature was used against Karsevaks or leaders or the organizers and protagonists of temple construction movement or the Sants, Sadhus, Sants, and if one may say, the Sangh Parivar. Chief Minister Kalyan Singh directed against the use of force against Karsevaks or leaders or the organizers and protagonists of temple construction movement or the Sants, Sadhus, Sants. In July 1992 he ordered to get the orders of the court for stopping construction obeyed by persuasion.
- 53.2. In December Chief Minister ordered in writing not to open fire on Karsevaks etc in any eventuality. Requisitioning the paramilitary forces after getting permission from the government in December 1992 i.e. the Chief Minister, pointed out that the administration did not have even the authority to act or discharge its statutory obligations without formal orders from the government to requisition paramilitary forces in case of need. The conduct of the administration in totality shows that they had completely surrendered all statutory power and discretion to their political executive.
- 53.3. Anju Gupta stated that call for Karseva was given by LK Advani, MM Joshi and Vinay Katiyar and Ashok Singhal etc. She further stated that in a brief meeting on 5.12.1992 taken by AK Saran IG, measures required to be taken in the eventuality of attack/ assault on disputed structure were discussed by

Haridas Rao and CK Mullick. She said that the route of the leaders to whom she was escorting was altered by Vinay Katiyar. Paramhans Ramchander Dass admitted crowd management during the religious festival was done by the administration, no other organization takes it on exclusively. She stated that 50 people of Bajrang Dal were doing so yet in view of the fact admitted by the all witnesses as well as by the administration and the organizers that RSS workers (Swayamsevaks) were deployed for it; no further observations are required on it.

53.4. The bureaucracy, Administration, political executive or any other institutions of governance or administration in UP were not only a mute spectator, but they collaborated with the political executive and permitted it to do whatever it wanted to achieve their election manifesto. It cannot be denied that temple construction was the political agenda of the BJP, the political party governing the state at relevant time. It was corroborated by Godbole Home Secretary of India.

53.5. The civil servants who appeared before the Commission were reluctant even to corroborate the undisputed facts which had been clearly established or admitted, such as the raising of provocative slogans, delivering provocative speeches etc. It was observed in the Bahri Commission's report too rather I can say it was affirmed it as a fact by it too. Various parties including the Central Government and Vinay Katiyar etc emphatically and specifically relied upon the findings in the report or the observations made by the commission on the common evidence before the both commissions. The

delivery of provocative speeches and provocative slogans being raised had been admitted before him apart from the findings arrived at by him.

- 53.6. It cannot be denied that there was no restraint in the language of the speeches or in provocative slogans or during press interviews etc. The slogans and intemperate language was even videotaped and produced before the Commission. Swami Chinmayanand, even after giving an undertaking to the Supreme Court, incited the Karsevaks by saying that the undertaking was only meant for satisfying the Supreme Court. Such instances and the slogans are well reported in the media and were accepted before me the Commission as well. The administration took no action in such a blatant case of defiant attitude and preventing ridicule of the Hon'ble Supreme Court.
- 53.7. Parkash Singh DGP, on a question posed by the Advocate General admitted that the forces are affected by these utterances and discourses and consciously or subconsciously are prejudiced. There cannot be any dispute again that highly emotional and provocative religious speeches during the course of the so-called attempts for awakening the injured feelings of Hindus by referring to the history of hundreds of years were made to politically awaken and unite them. Still the administration did not take any steps to contain them either at Ayodhya or at any other place. The administration or the organizers put no restraint on anybody from making provocative speeches or slogan raising, rather have knowingly either supported them or gone to an extent of wrapping them under a veil by even acknowledging their being raised.

- 53.8. Ashok Singhal and VHP leadership refused to obey the High Court's orders. They challenged even the undertaking given by the Chief Minister Kalyan Singh to the Supreme Court by saying who is Mr. Kalyan Singh to give an undertaking for symbolic Karseva? He said that the undertaking was given by the Chief Minister for symbolic Karseva was to avoid conflict. Acharya Dharmendra Dev who claimed that Government was theirs and further said that we will not follow the discipline of Government but shall follow literally the discipline of Sants. They participated in the construction of Chabutra while star propagator of the movement Swami Chinmaya Nand Ji and Vijay Raja Scindia gave an undertaking to the Supreme Court for the compliance of its orders and symbolic Karseva to be carried out. On the other hand they too were exhorting the Karsevaks for construction of temple at the disputed structure etc. Swami Chinmaya Nand Ji stated that the undertaking was a paper and for Supreme Court only.
- 53.9. Reminiscent of various stand taken by various leaders be it Chief Minister, be it Ashok Singhal, be it Dharmendra Dev, be it Paramhans Ramchander Dass, be it any other leader without reproducing the statements in detail as they are attached with the report, it would be reasonable to state that all took defiant attitude with respect to stay though reasons or articulation for violating the same was made differently.
- 53.10. There were declarations of Shiv Sena and even reported meeting of 28.11.1992, wherein the key figures of the Shiv Sena participated and declaration was made which was published in the media that whatever others may do but the Shiv Sena would perform the actual Karseva. The facts of the

meeting as well as its contents were reported by intelligence authorities; the government was also informed by the local administration. Neither the administration nor the state took any preventive measures. No person was arrested.

53.11. Champat Rai publicly proclaimed that guerrilla strategy would be adopted on 6th of December 1992. The administration still took no action what so ever, for such a defiant provocative declaration which heightened the ambience of tension. The inescapable fact that emerged was that the administration was almost at a standstill. It can more aptly be concluded that in fact there was no administration.

53.12. The dilution of security was carried out since 1991, by levelling, removing of restriction on movement in Ram Janambhoomi Babri Masjid Complex thereby allowing free movement under political pressure, removal of checking barriers between Ayodhya and Faizabad, superficial frisking, no control over the number of the Karsevaks entering cordons, reducing of height of security wall by placing earth and making easy for Karsevaks to scale the wall by jumping and reach the disputed structure. The bureaucracy projected that these changes were taking place under political pressure despite their objections at every stage. Praveen Jain stated that security was changed at Ayodhya by administration by denouncing it as having been done under political pressure in spite of the objections of the bureaucracy, conveyed at every stage.

53.13. There were no arrangements made by government for maintaining law and order outside *Ram Deewar* as well as the inside of it except *Garb Grab*. There was no arrangement at the points of hurdles. There were no hurdles between Faizabad and Ayodhya. Reference may be made to the statement of CK Mishra who claims to be close to Vinay Katiyar and Laloo Singh MLA. Paramhans Ram Chander Dass admitted that crowd management during festivals used to be made by the administration alone. RSS workers were deployed for management on 6th of December 1992 which was not a festival, for the karseva. Bureaucracy and administration in UP was a mute spectator which permitted political executive to do what they wanted. There was no reliable evidence on record that any effort was made by administration or police to establish authority in Ayodhya. All arrangements were made by RSS and Karsevaks or the organizers.

53.14. Administration provided only nominal security arrangements even with the full knowledge of the nature of the crowd assembling, or the ambience of religion built by assuming an overly optimistic approach bereft of lessons from past experience. There was an absence of *bonafide* for providing security to the disputed structure. There was complete lack of man power to control the huge crowd with no known centralized leadership. There were no routes provided for escape from a possible stampede. There was no alternative route provided for the access by the security forces in case of any urgent need. There was complete lack of division of crowd for management especially the crowd predominantly of Karsevaks incited by the leaders of movement. Only

insignificant number of pilgrims may be present though there is nothing on record about their presence.

53.15. Four distinct types of karsevaks were present there. One being demonstrative or conscience of publicity, media savvy, conscious of public attention. They were seen hammering at the domes, hoisting flags or dancing or demonstrating before the television interviewers. The second kind of Karsevaks were constituted of skilled workers who knew their job and carried it out efficiently. Their object was the pulling down of the disputed structure in a preplanned manner. They knew their methodology of pulling down the disputed structure by demolition of the walls under the domes. Thirdly there were the Karsevaks who kept the police and administration at a distance by throwing brick bats and missiles etc. Lastly there were the persons who created emotional tempo by raising various slogans, and chanting bhajans etc thereby exhorting Karsevaks. They in the course jeered and booed at the Courts orders.

53.16. There is nothing on the record that the administration ever directed itself to deal with them at any point of time. Distance to the disputed structure, and the object of hatred and the whole dispute or the movement was scrupulously ignored, though the crowd was of frenzied karsevaks.

53.17. Disinformation, propaganda, speculations and rumours were allowed to go un-rebutted. No conscious effort was made by the administration for meeting them at any level. Admittedly, the administration played no role in the stay or housing of karsevaks, as corroborated by the DGP S.V.M.Tripathi

as well as the DIG, who accepted that accessibility to disputed structure was a relevant factor for security. Accessibility was eased for the crowds at the insistence of Vinay Katiyar, Param Hans Ramchander Dass and Ashok Singhal etc. who enjoyed the powers of the Chief Minister himself, as his extra-constitutional delegates. The barriers were removed from time to time at their instance. There was not even a semblance of resistance from police or anybody else to the Karsevaks running amuck. It appears that till the demolition was over, administration was run by fanatic organizers of the movement and the Karsevaks as if there was no government or state or administrative control at the spot, or in Ayodhya or in Faizabad. From a sum total of the facts, it emerges that the state intentionally allowed the protagonists of the movements and the Karsevaks to run the administration and to govern Ayodhya and Faizabad for all practical purposes.

53.18. Bureaucrats as well as the political executive admitted to have gone through the records relating to security as well as the disputed structure apart from various incidents having taken place prior to 6th December 1992. Despite of it, or reasonable inference reachable from them, there was no sensitization either with respect to security or the communal approach to the disputed structure. There were no attempts to familiarize with, or secure information or details or the secret plans worked out by various outfits supporting the construction movement as it used to be worked out in 1990.

53.19. Taking notice of usual prevalent view in the public, keeping in view the conduct of an ordinary prudent person, the administration and police was alive to ground situation yet they adopted the attitude of appeasing the

political executive in executing its agenda or manifesto for construction of temple.

- 53.20. Gathering of Karsevaks was an unforgettable show. It was setting a stage for extraordinary events to follow. The administration and officers present there, for the reason best known to them, irrespective of their fields of work or expertise in any field, intentionally conducted themselves in a manner bereft of far sight or foresight. They reduced the administration to shambles. They allowed the situation to drift to such an extent that on the 6th December 1992 no administration or any will for it was left with the state to administer. It was sheer intentional mismanagement. It seems too obvious from the shambles administration found itself as well in the absence of any preplanning for crowd management or general planning required for such a sensitive event. It appears, the chaotic situation and administration in shambles was carefully cultivated by executive, ministers and the police in view of the past, present, frenzied feelings, local disturbances, nefarious activities, frequently happening of events with the spirit of revenge on the part of people collected with growing spirit of disobedience and display of disloyalty of workers towards their leaders. People at the helm of affairs, be it administrators of political executive never addressed themselves to it. The administration deliberately allowed itself to be sidelined, bypassed, emasculated and rendered irrelevant. They played brinkmanship under the greed of obliging political executive, government, or the political party in power.

- 53.21. Charles Mackay, the 19th-century Scottish journalist observed, “*men go mad in herds but only come to their senses one by one.*” Gutstav Lay Burn said, “*By the mere fact that he forms part of an organised crowd, a man descends several rungs in the ladder of civilisation. Isolated, he may be a cultivated individual; in a crowd, he is a barbarian – that is, creature acting by instinct*”.
- 53.22. It is a well known principle of administration that crowds are lead on by ring leaders and active members who are spurred into action. The active members or leaders smart under a real or supposed grievance. It is they who are volatile. They are the sensitive group. Ring leaders or managers or leaders of the crowd can lead them into the violent action or lead sensitive group for doing volatile acts.
- 53.23. Administrative officers present, especially the local ones or those not present but who were associated for administration at Ayodhya or the UP state were required and were expected that they study the mob psychology, leaders’ nature or conduct and the nature of issues and then only take administrative measures. There is nothing on record or even a reference that the administration or the government was alive to all these factors while claiming to provide the infrastructure in making administrative arrangements for Karseva on 6th of December 1992. The administration failed abysmally in its duties. Administration intentionally fulfilled the objective of the ruling party which they had put forth in their election manifesto.
- 53.24. Bureaucracy, police, administration, political executive, legislatures, media, even a common man was alive to the militancy as well as the frenzied nature

of the crowds which used to gather at Ayodhya especially after 1990. Yet, no substantial steps were taken for smooth administration, much less ensuring the security, particularly in view of the contradictory stand taken by the political executive, as well as the party governing the state. That is, on one hand proclaiming for providing security to disputed structure on the other hand Chief Ministers along with his Cabinet colleagues of BJP governed states were leading mobilization of Karsevaks for construction of temple which inherently includes demolition.

- 53.25. Chief Minister Kalyan Singh on his visit to Ayodhya to pay obeisance to Ram, the accepted incarnation of God, on his taking over as the Chief Minister UP, participated actively in raising slogan to the effect, "*Mandir Yahin Banyenga.*" It reassured the resolve of BJP party legislative wing as well as political party etc to construct the temple at the disputed structure.
- 53.26. It may be expedient to note that the then Chief Minister Kalyan Singh held a meeting of ministers on 26th of November 1992 and asked for mobilising Karsevaks at least 10 people from each Gram Panchayats. It will too obvious that when the government itself was mobilising and asking the people to participate in Karseva, the administration and its officers with all human failings could not stop or put any restraint nor administer with any tough effective posture³⁰².
- 53.27. A feeble attempt was made to explain this conduct by the organizers by putting forth a theory that temple was to be constructed without the disputed

³⁰² Reference may be made to the office record file 15 (200) 51 -- D. /92 page 122.

structure which in fact in practice was never so declared either earlier or till 6 of December 1992 and demolition of the disputed structure, nor it was so understood either by the Karsevaks or all the organizers of the movement or the Sangh Parivar nor it was so observed by anyone present at the spot. It was not there even when the logistic for Karseva was being worked out on second of November 1992. Had it been so, the proceedings of the meeting held on second of November 1992 at the headquarters of RSS in which all the icons of movement and important leaders participated, would have been produced before me, especially when KS Sudarshan accepted that the proceedings were recorded and would be produced which in fact were never produced.

53.28. In fact there was no such decision, that the construction of the temple would be carried out without demolition of the disputed structure. It was an attempt in futility to explain an obviously embarrassing situation.

53.29. Oral orders were given by the Home Secretary about arrangements and facilities for the crowds even during usual functions and festivals like Kumbh while none were forthcoming for the events of December 1992. Undisputedly all arrangements like food and transport was arranged for the 6th December 1992 by the governments of the states governed by BJP, while in 1990 no such facilities were provided. V.K. Saxena admitted that oral directions used to be given. It lends credibility to the speculations that the administration was taking no effective steps for the security. It was only going through the motions.

- 53.30. Loopholes in the security were admitted. The cause attributed for them was of not getting the correct intelligence reports and feedback by the administration.
- 53.31. The quantum of force deployed, place of deployment and other police arrangements were not even remotely proportionate to the crowds admittedly present or likely to be present. The number of Karsevaks expected to participate in Karseva was easily predictable. The administration was seemingly oblivious to the nature of the crowd, past history, past conduct of crowd, declaration of leaders of the movement about the construction of temple, denial by the propagators of movement with respect to compliance of the orders of the Supreme Court, restraint put by government not to enforce them through force etc. The danger signals were sufficient before the event to give an opportunity to meet the eventuality and forestall the catastrophe and the demolition.
- 53.32. The administration was also totally oblivious to the topography which is obvious from the paltry force of 2300 constables. This meagre force was expected to keep patrols on the roads, round up dangerous gangs, disperse the crowds, and keep the passage for free flow of forces, while regulating the flow of the scattered Karsevaks. The reason their being scattered was best known to the organizers, which not difficult to assume i.e. they intended to out beat the security forces if need be. No appropriate steps were taken out in the town to control the rowdy elements in the streets and near the structure. The organizers too provided a totally inadequate number of workers to forestall for an onslaught of the Karsevaks toward the disputed structure or toward the

site of symbolic Karseva or manage stampede on any of the places like *Ram Katha Kunj*, disputed structure, site of symbolic Karseva or from the area within the area acquired encircled by the security wall the so-called *Ram Deewar*. A totally insignificant force was deployed between Ayodhya and Faizabad that too with virtually no equipment to deal with the large number of emotionally surcharged Karsevaks on the roads.

53.33. The administration obligingly provided easy access to disputed structure with mere superficial screening, without regulating entry either to the disputed structure or to Ayodhya. It provided access to disputed structure by scaling security wall, by levelling and putting earth near the wall, thereby reducing the effective height of the security wall which was already kept low, and by putting no hurdles for entry.

53.34. Most damningly and demonstratively, the administration even handed over the security and discipline of Karsevaks to the organizers. The police's lack of sensitivity and in some cases outright hostility towards the members of the Muslim community as such, combined with the policy of non-interference in the activities of the majority community helped in achieving the object of unlawful construction by the *Sangh Parivar*. It not only allowed the Karsevaks to take the law into their own hands, but also made them believe that the police or the administration was there to protect them more than to provide the security to the disputed structure. Their belief stood affirmed when slogans like, "*Badi Khushi Ki Bat Hai, Police Hamare Saath Hai*" were raised and the police took no steps to counter it all contain them. The conduct of the administration and the police generated a free-for-all environment.

53.35. The assistance of the paramilitary forces was not taken at the appropriate time and the offers for help were rejected for flimsy reasons, coined especially for the purpose. The stand taken by Kalyan Singh that the Central Government did not offer the services of the paramilitary forces; or that there was a likelihood of conflicting administration or dual control cannot stand scrutiny. The averments or the declarations made by the Chief Minister attributing to the Central Government the creation of a warlike situation or provoking a conflict between state and central forces because of their being stationed in UP without the consent of the government is a figment of the mischievous imagination meant only for the consumption of gullible people and the public. The Chief Secretary categorically admitted having received a message placing additional forces at the disposal of the state for deployment in Ayodhya on the requisition by the state for the purpose. So far the objection with respect to their control or dual control is concerned, this was merely an excuse, one not even worth considering. The central forces were already working under the control of the state not only in Ayodhya but all over the state. It was too obvious to the State Government and its officers that as and when central forces were to be deployed in a state they have to be statutorily under state control and are deployed only with the consent of the state and for the purpose it directs. Even in Ayodhya, the CRPF was already deployed in isolation cordon with no such problem being there. The objection of their stationing without the consent of the State or attributed imagined misconduct was the excusals for not deploying of independent force having no personal interest in state administration or state interest in view.

- 53.36. Admittedly in spite of the demolitions and damage to graves and other religious places of Muslims, no arrests were made nor any inquiry conducted. The fear of retaliation was put forth as the reason for this, which cannot be accepted. Another reason given was that no complaints were made by the Muslims when it is a known fact that a minority community surrounded by a frenzied crowd could not possibly lodge a complaint for the fear of retaliation.
- 53.37. It has been accepted by one and all apart from it being a normal factor, which was further affirmed by an expert witness like Parkash Singh DGP on the asking of the Advocate General U. P. that forces are affected or carry or inherit consciously or subconsciously the prejudice, be it religious or otherwise, generated by the statements of important leaders be they be religious or political or otherwise from time to time. He further pointed out that PAC already enjoyed a reputation of people having the caste, or religious or communal prejudices as the members of the force. PAC's reputation of carrying prejudices and bias against the Muslims by some members of the force was affirmed by Madhav Godbole Home Secretary of India, Home Minister of India SB Chavan, VP Singh and Chief Minister Mulayam Singh. The fact was denied by Prabhat Kumar the then Home Secretary of UP which carries no conviction inasmuch as despite his being Home Secretary of the State, he had the cheek to deny even the existence of a communal cell in the state of U. P. though factually it being there under his charge alone. Factually too highly emotional provocative religious speeches were made, provocative slogans were raised, and innuendo references to a particular religion were made.

53.38. The organisers termed these as an attempt to awaken the Hindu feelings referring to the hundreds of years old history. Speeches were made by both the rival claimants targeting each other's religious feelings hyping the communal feeling and injuring the sentiments of each other with impunity. Administration of the State had not even made figurative attempt to control them either at Ayodhya or Faizabad or anywhere else in the State. The local administration was hobnobbing with the political leadership be at a state-wide level or at the local level. This fact was corroborated by V.K. Saxena³⁰³ and Parkash Singh DGP who specifically stated about postings at the instance of the Chief Minister, especially referring to the posting of SSP DB Roy; whose prejudice is writ large on his post event conduct like contesting election on behalf of BJP and later joining Hindu Maha Sabha which has a well-known reputation as a Hindu organisation.

53.39. The denial by the SSP of his not being biased cannot be accepted to be truthful particularly when he had not felt shy in his attempt to deny a simple fact of his day to day communication with the Chief Minister in order to give an appearance to his independence while discharging official duties in accordance with constitution. He denied his meetings or day to day communication with the Chief Minister who categorically accepted that they were in communication on a day-to-day basis.

53.40. Parkash Singh the then DGP stated that the Chief Minister used to ask Dwivedi in meetings, "*Dwivedi Ji Aap Ka Agla Bindu*". As things used to be put on the official record, which used to make the officers uncomfortable and

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keep objectivity in the dealing with the officers present would ensure that the minister or other person chairing the particular meeting was not annoyed. This specific aspect has been solicited from the witnesses by the Advocate General of UP appearing before the commission. Objectivity of the administration in dealing with the situation by administration was lost. In other words, the officers or bureaucrats would keep the objectivity to an extent till the Minister was not annoyed or disappointed.

53.41. The crowd collected there was not under the discipline of any one particular group, leader, and organization although their objectives had been clearly told to them and they were specifically following the orders of their respective leaders. Administration in spite of its accepting its duty to maintain discipline of the crowd, had no will to do so in view of the political will found wanting; and their agenda of construction of temple despite their declarations of the protection of the disputed structure which in fact they never intended.

53.42. It cannot be disputed that Karsevaks were mobilized for the construction of temple, their emotions were built in by emotive speeches of all kind of leaders be a political, social, religious or the ones aspired by the caste as well as the declaration made by them publicly irrespective of their intentions or desires or the manner of achievement of their motives be it known or hidden for the final day. People gathered there aspired for the construction of temple particularly conscience of the claim of the government and the political administration of the day, that they have come into power on emotional ploy or manifesto of construction of temple and their stability depended on it.

54. The general psyche and the perceptions

- 54.1. A psyche was generated by word-of-mouth, supported by the absence of any effective farsighted deterrent action by the administration or police or the political executive or government as on the earlier occasions which emboldened the Karsevaks to run amuck on the spree of destruction and demolition with impunity with a feeling of aggrandisement of their acts as heroic. They were encouraged by publicly known fact that the chief ministers directed the administration not to use force on the Karsevaks. The facts are corroborated from the conduct of the administration in not implementing order the Supreme Court in July 1992 and adopting only an attitude of attempt to persuade the local leadership and the Karsevaks to comply with the orders of courts refraining from carrying out construction. It resulted in gathering of uncontrolled, undisciplined crowd which furthered the demolition.
- 54.2. Undisputedly the Karsevaks present in Ayodhya in July 1992 refused to comply with the directions or orders of the Supreme Court. The UP Chief Minister directed the administration to ask Karsevaks to comply with the courts orders by persuasion only, devoid of other methods i.e. by force. Specific directions, initially latently and then patently, were orally given by the Chief Minister to the DGP not to use force against the Karsevaks. He in the meeting taken by him of high ups of administration directed them to remain in touch with organisers. Similar orders were given to the local

administration. Government of UP disowned the responsibility to stop the Karseva in July 1992 and brazenly stated that they were not aware who was doing the job. No one has contradicted the stand of the Government. Rather they took the stand that to stop the would lead to communal tension and arouse passions, which in my opinion is a well thought out, self created and parroted assertion or defence, taking a hint from the note of KK Nayyar who had sown the seeds of discord between the two communities. The fact is clear pointer of the Government's connivance with the activity of the Karsevaks for violating the Supreme Court orders and proceedings. It has been accepted in the official noting that the coordination between the IB and state forces completely broke down³⁰⁴.

- 54.3. Though the administration was not legally subject to the orders of local leaders or higher persons in the hierarchy of the administration, yet the powers of administration were fettered, when in exercise of a statutory powers the District Magistrate who was statutorily authorized to requisition paramilitary forces in case of need, could not do so without the prior permission of the government and the Chief Minister. This is too obvious from the happening of 6th of December as despite of highly placed officers present on the spot gave neither any order nor took any action. Rather, prior permission was sought from the Chief Minister to requisition stationed forces, whose stationing was even objected, and the State Government refused to use Central Government forces as offered to the State. Emphasis may be laid at this stage on the fact that insignificant forces were deployed to

³⁰⁴ Reference may be made to DW-13/30.

control the frenzied crowd as was well known to one and all i.e. the entire world. The orders are by itself contrary to the basic principles of administration i.e. fear psychology of the state.

- 54.4. No action was taken against persons like Paramhans Ramchander Dass in spite of his defiant attitude. He specifically admitted that notice of court orders were not accepted and further asked the local administration to ask each individual Karsevaks who was working there or present to stop construction. Just later the same leaders stopped the Karseva and the Karsevaks were made to comply with the Supreme Court order when the Prime Minister was given time to negotiate, who had asked that the karseva be stopped.
- 54.5. Chief Minister or the high ups, and the administration were advised to remain in constant touch with the organisers and not vice-a-versa. The officers concerned were required even to have formal order of the Government i.e. to requisition paramilitary forces in case of need for which they were statutorily bound to act in their exercise of independent administrative decisions. It was admitted to be a handicap with the police. Chief Minister had taken a stance not to utilise the services of the paramilitary forces till 12.30 on 6th of December 1992.
- 54.6. Formal order of the Chief Minister were sought to deploy para military forces, only when the situation totally went out of the control as intended which was kept not only hidden but was wrapped otherwise. The bureaucrats, police, administration, executive and the officers not only denuded

themselves of their independent statutory powers but also surrendered them to the Chief Minister or the political executive. There can be no second opinion that the political executive of the relevant time was of non else other than the protagonists of the temple construction.

- 54.7. It cannot be said to be a mere coincidence that the wall stated to be the security wall was in fact the boundary wall of the proposed temple and was passed on to the people as *Ram Dewar* by the government (security wall built with ornamental stone work), thereby not only leaving it to the people to infer that it was built by the Government for the temple but was expressly stated to be so by BJP leadership like Bhandari.
- 54.8. The leadership of the movement, officers of the then government as well as the government itself apart from the local administration either expressly or otherwise made known that the construction of security wall was beginning of the construction of the temple.
- 54.9. The apathy of the local administration was visible. It declaimed any knowledge of the formal rehearsal of symbolic Karseva carried out on 5th of December, much less of those participating in it. RSS workers were deployed by the local administration without there being any discussion with respect to security between administration and the organizers. It was further corroborated from the fact that the Home Secretary in November 1992 on paper suggested for keeping of communal harmony and prevention of rumours, steps to be taken on noticing of small incidents or meetings, intelligence machinery to be geared up and to keep watch over communal and

antisocial elements, identification of communally sensitive places, to allow processions only with police arrangements, still no action was taken.

- 54.10. No action was taken even when it was evident from past conduct of Karsevaks who selectively stoned the paramilitary forces while approaching Ayodhya while PAC or civil police were never stoned.
- 54.11. Other fact which can be taken notice is that administration sought directions in October 1992 as to which part is to be provided security in December 1992. The officers of the State had no clear idea about the security. The government or administration had no intention to provide security as was being proclaimed or had hidden motives to allow the situation to drift out of control and to assume troublesome proportions; there was no administration or security provided in July 1992. There was no security provided before 6th of December 1992 as no instructions were issued in spite of the directions sought in October 1992. It was this facet of insecurity which was felt by Union of India and especially the lack of commitment by government officers of the state, who were not even clear as to for which part of complex the security was to be provided.
- 54.12. It was admitted that the temples were demolished in 1991 October with the help of the police in the acquired land. It is unimaginable, unthinkable that administration could protect or take steps for protection when it was declared in as far back as 3rd March 1992, that whether the Government stays or not temple must be constructed. The witness summoned by respondents as DD

Gupta³⁰⁵ accepts that management of Karsevaks was run by the callers of Karseva.

- 54.13. Uma Bharti in answer to a question whether she would be in a position to state that the entire work of management of Karseva in December 1992 was in the hands of volunteers said, “may have been”. She was not able to contradict the same, in spite of being an intelligent, diplomatic witness capable of articulating replies and avoiding direct replies. She was also the office bearer of the BJP and a part of the VHP.
- 54.14. The permission to media personnel was being given by the organizers; no public address system was within the control of administration, nor was the administration having their own public address system to communicate its orders to such a large congregation of people at Ayodhya. It speaks volumes about the lack of administrative grip over the situation. AK Saran has specifically accepted that things were done orally without keeping any record thus leaving much to imagination, to infer against the administration run on the spot.
- 54.15. Mark Tully stated that the police was a mute spectator; this was corroborated by intelligence reports. Acharya Dharminder Dev stated that he saw the police refusing to comply with the orders in the video cassettes but refused to produce them by claiming that he was unable to locate them. Mark Tully brought to the notice of the District Magistrate the beating of the German the TV crew. No action was taken nor was any action assured. It

³⁰⁵ DW-2

categorically shows that there was no administration being run. The Commissioner admitted that there was an understanding that media persons will not be allowed to take photographs. Video-graphing will not be permitted. The organizers and Karsevaks imposed the ban on the journalists on filming the event. Still no steps were taken by the administration to ensure that such an unconstitutional private ban is not enforced.

54.16. The Commissioner further stated that the entry of media persons on 2.77 acres in public place was prohibited by the organizers. It was the organizers who were permitting people to come anywhere they liked or stopped them, which was otherwise the duty of the administration who conspicuously denuded itself from it. The journalists were physically removed in presence of policemen, by the volunteers or organizers from around the disputed structure. For such a major incident at such a large scale, synchronized with the timing and taking place at different spots noticed by one and all, the leadership, the organizers, the witnesses including the leadership has not only pleaded amnesia but came forward without any reservation to say that they did not know about any such incidents having taken place though they came to know of such things through the media.

54.17. Reference may be made to the statement of KS Sudarshan, Uma Bharti, and Vinay Katiyar etc. The administration being run by organizers is corroborated from the fact that Mark Tully made a request to KS Sudarshan, not to trouble journalists which he accepted and said that he would convey the message to Ashok Singhal who would further convey it to all the places. Such act and conduct can be seen by ordinary prudent person in the

circumstances that the administration was not run by duly elected constitutional government but it was being run by the organizers Ashok Singhal, Vinay Katiyar, Giriraj Kishore, HV Sheshadri, Paramhans Ramchander Dass, and Champat Rai, KS Sudarshan, Swami Vamdev, Chinmayanand, SC Dixit, Acharya Dharminder Dev, Uma Bharti, Vije Raje Scindia, BP Singhal, Mahant Avaidyanath, VH Dalmia, Sakshiji Maharaj, Kalraj Mishra, Dwivedi, Lalji Tandon, RS Agnihotri etc. and other unidentified forerunners of the movement present prior to 6th of December 1992 at Ayodhya.

- 54.18. There was the total abdication of the administration. On the 1st of December 1992 in Ayodhya, Mazars were demolished; which was reported to the Government. Yet from the 1st to 6th of December no steps, much less preventive steps were taken, either to arrest or to locate mischief mongers or speak to the organizers or to take any other step to forestall any such events in future.
- 54.19. There was not only tacit but also open support and collaboration by the administration for the Karseva. Fallacious assertions were made by the SSP, District Magistrate, AK Saran etc. who were present at the spot, projecting everything to be normal and peaceful, even as provocative slogans were being raised in the streets, and there was a great melee and none from amongst the administration or the leadership to restrain or stop them.
- 54.20. Many witnesses stated while trying to explain their inaction and conduct that the demolition was beyond everyone's wildest imagination; yet this cannot be

an excuse for complacency and arrogance. There was no analysis of the state or central intelligence reports and no attempt was made to collate the vast amount of factual information available at the spot.

54.21. The government and administration failed in their responsibility to gather and screen information. The Intelligence Bureau needs to redefine its role, remove the bureaucratic culture, adopt a more active approach and foster better communication. It needs to take bold steps. In this case, there is no doubt that there was a lot of information available and which could have been put to positive and effective use.

54.22. The administration of State and Centre were divided camps on the issue of security and the demand for construction of temple. There were internal fights between state and centre administrations

54.23. The Sangh Parivar, organizers, Karsevaks and the State Government had a common joint venture between them. The government had divested the police and the executive of their powers to use force i.e. firing etc., in spite of foreseeable consequences. The forces were reduced to the state of uniformed Karsevaks helping the assailants achieve the BJP's election manifesto. In totality, the circumstances laid out in this report indicate the policy of government or the political executive was contrary to duty of care of maintaining peace, protecting rights, enforcing courts' order, and to govern according to constitution rather according to the manifestos.

54.24. After sifting facts through details and seeking out and piecing together bits of information, it becomes apparent that this was a case of masterful deception and hypocrisy at its worst.

55. The concentration of executive power

- 55.1. Executive power has the advantage of concentration of power in a few hands. It makes the administrator the focus of public hope and expectations. It is well said in the maxim of Napoleon that “*Tools belong to the man, who can use them*”. The power belongs in the hands of legislators and only they can prevent this power from slipping through their fingers.
- 55.2. The ideal working of a government is well understood. One is expected to be governed by those impersonal forces which one can call Law. The executive is under law which is made by legislative deliberations. This is a part of the working of the democratic government.
- 55.3. It is the duty of a Chief Minister to take care that laws are fully observed and executed by using the executive power for the purpose.
- 55.4. In Ayodhya, the local administration was not free to do anything. All decisions were taken at the level of the Chief Minister and the local administration was not only to execute the orders of the Chief Minister in letter, but in spirit too. This was ensured through posting of officers who were either considered reliable or were sharing the view, philosophy or thoughts of the government of the time and were eager to implement the manifesto of the political party in power at the relevant time.
- 55.5. Factually and circumstantially the administration under the pressure of the political executive of the day, permitted the crowds to converge with no

restriction or fear. The overall impression was created that neither political executive nor the local leadership would lose anything by pleading and articulating the cause to consolidate Hindu psyche by using religious and emotional issues to blunt the caste issues raised by other parties.

55.6. Administration in the case in hand was not interpreting or reacting to the facts and circumstances known, but denying known facts; with a slant to establish political interest. They went to the extent of ignoring the problem until it came to an end, when it went out of hand and could not be solved even in a painful way.

55.7. I am of the view there was no effective or willing administration on the spot at all. It was a free for all, with a ring of support from the government for the protection of the Karsevaks rather than the security of the disputed structure.

55.8. The veering away of the Executive and the State Administration or the bureaucracy from independent constitutional administration is too obvious to be ignored. They were pawns in the hands of the Political Executive for whatever reasons. By their presence, acts of omission and commission, the state's highest officers endangered the security of the disputed structure and the safety of their own people. What a travesty of circumstances! The State specifically refused to take the responsibility for implementing the Court's orders. It also stonewalled the intervention of the Central Government by relying on the federal structure of the Constitution.